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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/729,085	12/05/2003	Tony Caporicci	DBS-100-A	8827												
7590 Barbara M. Burns # 276 1756 Plymouth Road Ann Arbor, MI 48105		11/13/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">MONTOYA, OSCHTA I</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2623</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>11/13/2007</td><td>PAPER</td></tr></table>		EXAMINER		MONTOYA, OSCHTA I		ART UNIT	PAPER NUMBER	2623		MAIL DATE	DELIVERY MODE	11/13/2007	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/729,085

Applicant(s)

CAPORICCI, TONY

Examiner

Oshta Montoya

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_

- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The disclosure (specification and drawings) fail to enable one of ordinary skill in the art how to make or use "multiple private individual settings can be controlled by one control monitor" as recited in claim 10, lines 3-4.

The specification at page 5, line 17-22, discloses an interface or control monitor that allow the user to select content on one private individual setting.

However, the specification does not say anything about an interface or control monitor able to control multiple private individual settings.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 8, and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Serap et al., US 4,695,903.

Regarding claim 1, Serap discloses a device for viewing entertainment in a private individual setting comprises:

a control monitor (30-figure 5) to control access to a server (Col. 3, lines 65-68),  
a display monitor (40) to display selected content available for selection through the control monitor (Col. 4, lines 5-8),

a payment module (38) for payment to determine length of display of selected content from one of a local server (46-figure 6) and an external server on the display monitor (Col. 4, lines 2-4, Col. 5, lines 28-33), and

at least one of a local server and access to an external server for expanded content selection (Col. 5, lines 28-33).

Regarding claim 2, Serap discloses the device for viewing entertainment in a private individual setting according to claim 1 wherein the server can access content stored on one of a local server and an external server (Col. 5, lines 28-33).

Regarding claim 3, Serap discloses the device for viewing entertainment in a private individual setting according to claim 2 further comprising a limited access booth surrounding the display monitor (figure 3-5, Col. 3, lines 61-63).

Regarding claim 4, Serap discloses the device for viewing entertainment in a private individual setting according to claim 3 wherein a user of the device controls access to the limited access booth surrounding the display monitor (Col. 2, lines 34-36).

Regarding claim 8, Serap discloses the device for viewing entertainment in a private individual setting according to claim 3 further comprising a sensor for indicating the limited access booth as being occupied (Col. 2, lines 37-41).

Regarding claim 12, Serap discloses a device for viewing entertainment in an individual setting comprises:

- a control monitor to control access to a server (Col. 3, lines 65-68),

- a display monitor to display selected content available for selection through the control monitor (Col. 4, lines 5-8),

- a module to determine length of display of selected content from one of a local server and an external server on the display monitor, and at least one of a local server and access to an external server for expanded content selection (Col. 4, lines 2-4, Col. 5, lines 28-33).

Regarding claim 13, Serap discloses the method of use for device according to claim 1 for viewing entertainment in a private individual setting comprises the following steps:

using a control monitor to control access to a server (Col. 3, lines 65-68),  
paying by operating a payment module for payment to determine length of display (Col. 4, lines 2-4),  
viewing a display monitor to display selected content from one of a local server and an external server (Col. 5, lines 28-33).

Regarding claim 14, Serap discloses the method of use for device according to claim 13 for viewing entertainment in a private individual setting further comprising the following step: limiting access to a limited access area for the display of selected content (figure 3-5, Col. 3, lines 61-63).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Serap in view of Ergo et al., US 6,655,580.

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Regarding claim 5, Serap discloses the device for viewing entertainment in a private individual setting according to claim 1.

Serap fails to teach the device comprises a printer for printing a receipt of payment received by payment module.

In an analogous art, Ergo teaches a kiosk comprising a printer for printing a receipt of payment received by payment module (Col. 4, lines 43-50).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Serap's device to include a printer for printing a payment receipt, as taught by Ergo. The motivation would have been to give the user a record of payment for the service.

6. Claim 6 and 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Serap in view of Dallman, US 5,217,088.

Regarding claim 6, Serap discloses the device for viewing entertainment in a private individual setting according to claim 1.

Serap fails to teach the device comprises an advertising module.

In an analogous art, Dallman teaches an advertisement module (figure 1, Col. 2, lines 3-9, Col. 4, lines 27-35).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Serap's device to include an advertisement module, as taught by Dallman. The motivation would have been to get some sponsors market their products.

Regarding claim 7, Serap and Dallman disclose the device for viewing entertainment in a private individual setting according to claim 6. Dallman further teaches wherein the advertising module has back lighting (Col. 4, lines 27-35).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Serap in view of Howard et al., US 6,885,311.

Regarding claim 9, Serap discloses the device for viewing entertainment in a private individual setting according to claim 8.

Although, Serap teaches the use of a sensor to indicate that the booth is occupied (Col. 2, lines 37-41), Serap fails to teach the device comprises a sensor for indicating the limited access booth as being occupied and the payment module has not been operated.

In an analogous art, Howard teaches the use of a sensor to indicate that a space is being occupied and no payment has been received (Col. 2, lines 33-43).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Serap's device to include a sensor to indicate when an space is occupied and no payment have been received, as taught by Howard. The motivation would have been to prevent people to use the booth for illegal activities.

8. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serap in view of Kindell et al., US 5,630,067.



Regarding claim 10, Serap discloses the device for viewing entertainment in a private individual setting according to claim 1.

Serap fails to teach wherein multiple private individual settings can be controlled by one control monitor.

In an analogous art, Kindell teaches a computer that can control multiple viewing devices (Col. 5, lines 41-54).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Serap's device to include a computer capable of controlling various viewing devices. The motivation would have been to have an administrator in charge of the network.

Regarding claim 11, Serap discloses the device for viewing entertainment in a private individual setting according to claim 1.

Serap fails to teach wherein multiple private individual settings can access the selected content simultaneously.

In an analogous art, Dallman teaches wherein multiple private individual settings can access the selected content simultaneously.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Serap's device to include accessing the same files at the same time. The motivation would have been to present the more popular selections to all users interesting on them.

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### Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oshta Montoya whose telephone number is (571) 270-1192. The examiner can normally be reached on Monday/Friday 7:30 to 5:00 off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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